

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARY HELEN BERNSTEIN, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
HOUSING & URBAN DEVELOPMENT,  
et al.,

Defendants.

Case No. 20-cv-02983-JSC

**ORDER RE: PLAINTIFFS' MOTION  
FOR A STAY OF PROCEEDINGS**

Re: Dkt. No. 83

Plaintiffs Mary Helen Bernstein and Elizabeth Grace Tigano, who are proceeding without an attorney and in forma pauperis, filed this discrimination action against the United States Department of Housing and Urban Development, the California Department of Fair Employment and Housing, and several individual defendants employed by these agencies. Since the action was filed in April 2020, Plaintiffs have sought, and in large part obtained, multiple extensions of time to file amended complaints. Plaintiffs have now filed a motion to stay proceedings until March 2022. For the reasons set forth below, Plaintiffs' request is DENIED.

Shortly after filing this action, Plaintiffs requested leave to file an amended complaint and sought a four-month extension of time to do so. (Dkt. No. 13.) The Court granted that request and a second request for an extension until October 24, 2020. (Dkt. Nos. 14, 17.) Plaintiffs thereafter filed their first amended complaint which the Court reviewed under 28 U.S.C. § 1915 because Plaintiffs are proceeding in forma pauperis and concluded that Plaintiffs' complaint failed to state a claim. (Dkt. No. 74.) Plaintiffs then sought an extension of time to file their amended complaint which the Court denied because it had already given Plaintiffs two months to file an amended complaint. (Dkt. No. 76.) Plaintiffs subsequently filed their second amended complaint which the Court again reviewed pursuant to Section 1915 and again concluded that Plaintiffs failed to state a

1 claim. (Dkt. No. 81.) The Court gave Plaintiffs 60 days to file another amended complaint.

2 In response, Plaintiffs filed the now pending motion seeking a stay of proceedings of  
3 nearly a year—until March 2022. (Dkt. No. 83.) The basis for request for the stay is that  
4 Plaintiffs have disabilities, it will take them time to address all the issues raised in the Court’s  
5 Order, Plaintiff Tigano has been hospitalized, and “Plaintiff Mary Bernstein is tending to  
6 extensive emergencies with mother congestive heart failure, disabled sister out of state.” (Dkt.  
7 No. 82 at 1; Dkt. No. 83.) Plaintiffs indicate that the motion for stay was accompanied by a  
8 declaration, but no such declaration has been filed. (Dkt. No. 82 at 1.)

9 While the Court is sympathetic to Plaintiffs’ personal situations and has attempted to  
10 accommodate Plaintiffs’ disabilities through multiple extensions of time and referrals to the Legal  
11 Help Desk, the Court cannot stay this proceeding for a year. Plaintiffs have been granted multiple  
12 opportunities to plead proper claim(s) for relief against the ever-widening circle of defendants here  
13 (one of whom has appeared and moved to dismiss). The Court must manage its docket, ensure  
14 expeditious resolution of litigation, and make sure defendants are not prejudiced by lengthy  
15 delays. *See Ferdik v. Bonzelet*, 963 F.2d 1258 (9th Cir. 1992); *see also Johnson v. Mammoth*  
16 *Recreations, Inc.*, 975 F.2d 604, 609-10 (9th Cir. 1992) (district court has broad discretion to  
17 manage its docket).

18 Accordingly, the Court DENIES Plaintiffs’ request for a nearly one year stay of  
19 proceedings. However, the Court grants Plaintiffs an extension of time until July 26, 2021 to file  
20 their third amended complaint. No further extensions will be granted.

21  
22 **IT IS SO ORDERED.**

23 Dated: May 27, 2021

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26 JACQUELINE SCOTT CORLEY  
27 United States Magistrate Judge  
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